IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR.

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S.B. CIVIL WRIT PETITION NO.3091/2005

Kheta Ram

Versus

The State of Rajasthan and ors.

Date of Order : 24.5.2005

PRESENT

HON'BLE MR. JUSTICE R.P. VYAS

Mr.Rajesh Choudhary, for the petitioner/s

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Heard at admission stage.

The instant petition has been filed by the petitioner with the prayer that the order dated 30.7.2004 (Annex.P/6) and order dated 31.8.2004 (Annex.P/7) may kindly be quashed and set aside and the respondents may be directed to reinstate the petitioner on the post of Shiksa Karmi Teacher with all consequential benefits and the respondents may further be directed to make payment of salary of the suspension period to the petitioner.

Brief facts of the case are that the petitioner passed his Secondary School Examination in the year 1999 and thereafter he passed his Senior Secondary Examination in the year 2001 in Second Division. In pursuance of the Board's Office letter No. 2002/5824 dated 2.8.2002, he was selected as a Shiksha Karmi Teacher vide office order dated 24.9.2002 issued by the Additional Vikas Adhikari (Primary Education) and Project Co-ordinator (Shiksa Karmi), Panchayat Samiti Baitu, District Barmer w.e.f. 30.9.2002 and initially posted at Govt. Primary School, Meghawalon Ka Naada, Gram panchayat, Madpura Barwala vide order dated 24.9.2002 (Annex.-1). Time and again, he participated in all the training camps and successfully completed his training organised during different period and for this reason Training Certificates were also issued in favour of him. By virtue of Office order dated 27.7.2004 issued by the Deputy Director - respondent No.2, the Block Project Co-ordinator (Shiksa Karmi), P.S. Baitu, District Barmer terminated the service of the petitioner vide his order dated 30.7.2004 (Annex.-P/6) for the reason that he was kept in custody for a period of 48 hours and it was further ordered that the whole of the charge be handed-over to the Assistant Shiksha Karmi Teacher. The another Office order was also issued on 31.8.2004 (Annex.-P/7).

By this Office order i.e. 31.8.2004 (Annex.P/7), the earlier office order dated 30.7.2004 (Annex.P/6) was modified to the extent that instead of the word 'termination' the word 'suspension' shall be substituted and as such the services of the petitioner shall remain suspended w.e.f. 30.7.2004.

The petitioner further averred in the writ petition that he filed a Criminal Revision bearing S.B. Criminal Revision No. 817/2004 before this Court against the order dated 10/13.10.2004 passed by the learned Trial Court framing charges under Sections 341, 323, 324/34 and 307/34 IPC against the petitioner. The Court vide its order dated 6.12.2004 (Annex.-P/8) allowed the revision petition in part and set-aside the order dated 10.4.2004 to the extent of framing of charges against the petitioner for the offence under Section 307/34. The learned Chief Judicial Magistrate, Barmer vide his order dated 6.4.2005 (Annex.-P/9) acquitted the petitioner of all the charges levelled against him in view of the compromise arrived at by the respective parties.

The petitioner further averred in the writ petition that the petitioner, after being acquitted from the Criminal Case No. 113/2004 vide order dated 6.4.2005 (Annex.-P/9),

made a representation on 8.4.2005 (Annex.-P/10) to the Block Project Co-ordinator (Shiksa Karmi), P.S. Baitu, District Barmer – respondent No.3 stating therein that since due to personal enmity earlier a false criminal case was registered against him, as a result of which his services got suspended but since now he has been acquitted of all the criminal charges by the learned Chief Judicial Magistrate, Barmer, therefore, his earlier suspension order be revoked and he may be reinstated back in the service. The respondent authority after taking into consideration, the said representation dated 8.4.2005 (Annex.-P/10) the respondent No.3 forwarded the case of the petitioner to the respondent No.2 vide letter dated 8.4.2005 (Annex.-P/11) seeking therein the permission to reinstate the petitioner in service. However, the said representation has not been decided so far. The petitioner submitted number of other representations but they too have not been responded to.

The learned counsel for the petitioner further submits that similarly situated person viz. Shri Kesha Ram has been reinstated in service after his acquittal by order dated 20.9.2001.

In the instant case, the petitioner has made a number of representations, but his grievance has not been redressed so far, nor any speaking order has been passed. During the course of arguments , it has been requested by the learned counsel for the petitioner that looking to the facts and circumstances of the instant case, the concerned Authority be directed to consider the representation of the petitioner. Since the request of the petitioner is only for consideration of the representation, therefore, the instant petition is disposed of, at this stage, by giving a direction to the respondent No.2 consider the representation of the petitioner in accordance with law only.

Thus, this writ petition filed by the petitioner is disposed of in the manner that the petitioner is directed to file a fresh representation within a period of 15 days from today and the respondent No.2 shall consider and decide the same either way in accordance with law within a period of two months from the date of receipt of representation. If it is found that the petitioner is entitled for any relief in accordance with law, then the same may be given to the petitioner and if the petitioner is not found

entitled to the relief sought for, then a reasoned and speaking order, strictly in accordance with law, may be passed.

(R.P.VYAS)J.

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